

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

PAUL GANCARZ, an individual;)	Case No. 2:23-cv-1113
DANIEL TURETCHI, an individual;)	
COLTON BROWN, an individual;)	DECLARATION OF MELISSA
JAMES JOHNSON and AMELIA)	MCCLELLAN
JOHNSON, individually and husband)	
and wife,)	RE: PLAINTIFFS' RENEWED
)	MOTION FOR ALTERNATIVE
Plaintiffs,)	SERVICE
)	
vs.)	
)	
DAVID ALAN CAPITO II, aka)	
VYACHESLAV ARKANGELSKIY,)	
aka RYAN SMITH, an individual,)	
)	
Defendant.)	

I, Melissa McClellan, declare as follows:

1. I am over the age of eighteen, competent to testify in the above-entitled matter, and make this declaration on my own personal knowledge.

DECLARATION OF MELISSA MCCLELLAN
- Page 1

1 2. I am the President of Benchmark, LLC, a limited liability company I
2 founded in 2008. Prior to creating Benchmark, LLC, I was a paralegal at DLA
3 Piper and also worked for two years as a private investigator. I am a 1983 graduate
4 of Mary Baldwin College.

5 3. Benchmark, LLC provides legal services to corporate and private clients,
6 including service of process. I estimate I have been involved in investigating and
7 performing services of process in over 1,500 service of process matters since I
8 created Benchmark 16 years ago. My numerous clients can attest to my skills in
9 locating individuals for purposes of service of process.

10 4. I have reviewed the Plaintiffs' Motion for Alternative Service filed in the
11 above-captioned case and in particular the declaration of Private Investigator Steve
12 Robinson. Based on that review and my years of experience, it is my opinion that
13 the facts support an inference that David Alan Capito, Jr., aka David Capito, aka
14 Vyacheslav Arkadyevich Arkangelskiy, aka Ryan Michael Smith (hereafter "Mr.
15 Capito") has been concealing himself within the state of Washington to evade
16 service of process.

17 5. The many facts that strongly support this inference include the
18 following:

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20 DECLARATION OF MELISSA MCCLELLAN
21 - Page 2

- Mr. Capito's frequent name changes, at least one of which occurred after the wrongdoing alleged against him in the Complaint.
- Mr. Capito's use of a storage facility, which is unsuitable for housing, as a current home address as described in Mr. Robinson's declaration.
- Mr. Capito's frequent changes of address, and his use of different "current" home addresses at the same time, which is sometimes an indication of someone who does not want to be found.

6. I also note from a review of Mr. Glen Allen's declaration, filed contemporaneously with mine, that widespread publicity was given to this case shortly after it was filed. Based upon my experience in my profession, it appears certain to me that news regarding the Complaint filed against Mr. Capito would have reached him within a short time after the Complaint was filed, giving him a motive and opportunity to conceal himself within the state of Washington to evade service of process.

7. Based on my professional experience and my review of the relevant information, the most rational inferences to be drawn from the facts brought to light regarding Mr. Capito is that he has been concealing himself within the state of Washington to evade service of process.

1 I declare under penalty of perjury under the laws of the United States that
2 the foregoing is true and correct.

3
4 DATED this 26th day of September 2024.

5 

6 Melissa McClellan
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20 DECLARATION OF MELISSA MCCLELLAN

21 - Page 4

CM/ECF CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused an electronic copy of the foregoing document to be filed with the Clerk of the Court via CM/ECF system which will then send notification of such filing to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

DATED this 26th day of September 2024

s/ Christopher M. Hogue
Attorney for Plaintiffs